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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,150	03/27/2002	Oliver Brauburger	32860-000294/US	9793

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EXAMINER

LUEBKE, RENEE S

ART UNIT PAPER NUMBER

2833

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/089,150

Applicant(s)

BRAUBURGER

Examiner

Renee S. Luebke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The new title is appreciated and has been entered.

2. Claims 1 and 19 are objected to.

Claim 1 is unclear. It appears that the amendments have misplaced commas and possibly text.

Claim 1 lacks antecedent basis for "the unoperated other contactor" on line 8.

Claim 19 lacks antecedent basis for "the unoperated other contactor" on line 6.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-6 and 10-15 remain rejected under 35 U.S.C. 102(b) as being anticipated by Moriya (Figs. 1A-1D). This contactor arrangement comprises a blocking element 16 and contactors 21a, 21b including guides for contact 81a, 18b, 18c supports. The device operates as claimed; in particular, the contactor applies only compression force to the blocking element. In regard to claims 4, 13 and 14, the space in which the blocking element resides is seen to be a blocking holder.

Contrary to applicant's arguments, the blocking position (shown in Fig 1D) of Moriya does prevent operation of the other contactor. Although it may be possible to operate both contactors at some point, once the blocking element is in the blocking position, operation of the other contactor is prevented. Contrary to applicant's suggestion, the present claims do not prohibit such an arrangement.

It also appears from applicant's comments that there is a disagreement concerning the meaning and nature of "operating" and "blocking" contactors of this type. In the art, the second contactor is seen to be blocked if it cannot be

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operated while the first contactor hold contacts in an operating position. See the abstract and operation of Johnston, et al., which has a blocking element similar to that of Moriya that interferes with a second contactor "making it impossible to be operated." A blocking element in a device of this type is seen to prevent operation of a second contactor when attempted operation of the second contactor results in the first contactor no longer be in an operating position. (Applicant's remarks *imply* that the present device differs from Moriya and other similar devices in that the first contactor must be unactuated by an outside force prior to operation of the second contactor. It is, however, noted that there is no statement in the present application about how one unblocks and operates the second contactor of the present invention.)

5. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston. This contactor arrangement comprises blocking means 18 and contactors 14, 16. As the device is for electrical switching, it inherently comprises guides 22, 24 for contact supports. In an intermediate position (Fig. 1) the blocking means permits operation of either contactor. In a blocking position (Fig. 3) the blocking means prevents operation of the other contactor (see the end of the abstract). The guides act directly on the blocking means and apply only compression force to the blocking element.

6. Claims 7-9 and 16-18 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations (and overcoming the objections) of the base claim and any intervening claims.

7. It is suggested that responses to this final action be faxed to:

(703) 872-9319 or 308-7722, 308-7724

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).  
For formal communications, please mark "EXPEDITED PROCEDURE."

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For informal or draft communications please clearly label "PROPOSED" or "DRAFT."

Alternatively, responses may be mailed to:

Commissioner for Patents

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For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hand-delivered responses should be brought to:

~~Crystal Plaza 4, Fourth Floor (Receptionist)~~

2201 South Clark Place, Arlington, Virginia.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke

Primary Patent Examiner

September 5, 2003